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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RICHARD DEEDS,

Plaintiff,

v.

ROBERT BAYER, et al.,

Defendants.

3:03-cv-00453-LRH (VPC)

ORDER

The Court has considered the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (#415) entered on April 24, 2008, in which the Magistrate Judge recommends that Plaintiff's Motion for Summary Judgment against Defendant Barats (#347) be denied and stricken without prejudice. No opposition or objection has been filed. The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

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1 ADOPTS AND ACCEPTS the Report and Recommendation of the United States  
2 Magistrate Judge (#415); therefore, Plaintiff's Motion for Summary Judgment Against Defendant  
3 Barats (#347) is denied and stricken without prejudice.

4 IT IS SO ORDERED.

5 DATED this 12<sup>TH</sup> day of Sept., 2008.

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9 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE